

## **REMARKS**

### **I. Amendments**

By this amendment, claims 8 and 12 have been amended.

This amendment adds no new matter to the specification. Support for this amendment is found in the specification and claims as filed.

No change of inventorship is necessitated by this amendment.

### **II. Request for Consideration of Previously Submitted Information Disclosure Statements**

An Information Disclosure Statement to disclose references A1-A7 was filed on March 5, 2002, and a Supplemental Information Disclosure Statement to disclose references B1-B18 was filed on April 4, 2003. However, Applicants have not yet received the initialed forms PTO-1449. Consideration of both Information Disclosure Statements and entry into the record is respectfully requested.

### **III. Discussion of the Rejection under 35 U.S.C. Sec. 112, Second Paragraph**

Claims 8, 10-12, 14 and 15 stand rejected under 35 U.S.C. Sec. 112, second paragraph as allegedly vague for several different reasons. Applicants respectfully continue to traverse the rejection.

Applicants disagree that their claims as originally filed are confusing to those skilled in the art. They also disagree that the cases which the Examiner has cited are relevant to Sec. 112, second paragraph rejections. The cases cited at the bottom of page 4 and the top of page 5 of the Office Action are cases wherein claims were rejected as unpatentable over other art. The Board of Appeals found that limitations which made the claims patentable over the cited art could not be read from the specification, not that definitions of claimed elements could not be interpreted from the specification.

Nonetheless, for the sake of advancing prosecution, Applicants have amended claims 8 and 12 to include definitions of the optional substituents which the Examiner has termed vague. The amendments add no new matter to the specification. Support for the amendments may be found as follows *inter alia*:

Heterocyclic ring: page 20, lines 1-7

Hydrocarbon group: page 16, line 20 – page 17, line 19

Amino group: page 19, lines 3 -13

Substituents of hydrocarbon or heterocyclic groups: page 17, line 20 – page 18, line 13 and page 21, lines 2-6

Substituents of acyl group: page 24, lines 9-13

Substituents of sulfonyl group: page 24, lines 16-23

Substituents of thiol group: page 19, lines 19-23

Substituents of hydroxyl group: page 19, lines 14-18

Therefore Applicants respectfully request withdrawal of the 35 U.S.C. Sec. 112, second paragraph rejection.

#### **IV. Discussion of the Rejection under 35 U.S.C. Sec. 102(b) in view of Proctor *et al.***

Claims 8, 10, 12, and 14 have been rejected under 35 U.S.C. Sec. 102(b) as allegedly anticipated by Proctor *et al.* (J. Chem. Soc. 1957 article). Applicants respectfully traverse this rejection

By this amendment, Applicants have limited the definition of Y in accordance with the teachings of the specification at page 21, lines 8-10. Applicants do not believe that the aspects of their invention as set forth in independent claims 8 and 12 are anticipated by the cited reference.

Claim 10 depends upon claim 8 and claim 14 depends upon claim 12. Applicants also assert that the more specific dependent claims are also not anticipated by the cited reference.

Therefore Applicants respectfully request withdrawal of the 35 U.S.C. Sec. 102(b) rejection in view of Proctor *et al.*

#### **V. Discussion of the Rejection under 35 U.S.C. Sec. 102(b) in view of Braunholtz *et al.***

Claims 8, 10-12, 14 and 15 have been rejected under 35 U.S.C. Sec. 102(b) as allegedly anticipated by Braunholtz *et al.* (J. Chem. Soc. 1958 article). Applicants respectfully traverse this rejection.

By this amendment, Applicants have limited the definition of Y in accordance with the teachings of the specification at page 21, lines 8-10. Applicants do not believe that the aspects of their invention as set forth in independent claims 8 and 12 are anticipated by the cited reference.

Claims 10 and 11 depend upon claim 8 and claims 14 and 15 depend upon claim 12. Applicants also assert that the more specific dependent claims are also not anticipated by the cited reference.

Therefore Applicants respectfully request withdrawal of the 35 U.S.C. Sec. 102(b) rejection in view of Braunholtz *et al.*

#### **VI. Discussion of the Rejection under 35 U.S.C. Sec. 102(b) in view of Watson *et al.***

Claims 8, 10, 12, 14 and 15 have been rejected under 35 U.S.C. Sec. 102(b) as allegedly anticipated by Watson *et al.* (WO 97/22589). Applicants respectfully traverse this rejection

By this amendment, Applicants have limited the definition of Y in accordance with the teachings of the specification at page 21, lines 8-10. Applicants do not believe that the aspects of their invention as set forth in independent claims 8 and 12 are anticipated by the cited reference.

Claim 10 depends upon claim 8 and claims 14 and 15 depend upon claim 12. Applicants also assert that the more specific dependent claims are also not anticipated by the cited reference.

Therefore Applicants respectfully request withdrawal of the 35 U.S.C. Sec. 102(b) rejection in view of Watson *et al.*

## VII. Conclusion

Reconsideration of the claims and allowance is requested. Should the Examiner believe that a conference with Applicants' attorney would advance prosecution of this application, the Examiner is respectfully requested to call Applicants' attorney at (847) 383-3391.

Respectfully submitted,

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